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14 UNITED STATES DISTRICT COURT  
15 NORTHERN DISTRICT OF CALIFORNIA  
16 SAN JOSE DIVISION

17 CISCO SYSTEMS, INC.,

18 Plaintiff,

19 v.

20 ARISTA NETWORKS, INC.,

21 Defendant.  
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Case No. 5:14-cv-05344-BLF (NC)

**DEFENDANT ARISTA NETWORKS,  
INC.'S ADMINISTRATIVE MOTION TO  
FILE DOCUMENTS UNDER SEAL IN  
CONNECTION WITH ARISTA'S  
OPPOSITION TO CISCO'S MOTION  
FOR PARTIAL SUMMARY JUDGMENT**

Judge: Hon. Beth Labson Freeman

Date Filed: December 5, 2014

Trial Date: November 21, 2016

Pursuant to the Northern District of California's Civil Local Rules 7-11 and 79-5(d)-(e), Defendant Arista Networks, Inc. respectfully submits this administrative motion to file under seal documents and information filed in connection with Arista's Opposition to Cisco's Motion for Partial Summary Judgment.

Because Cisco's motion is a dispositive motion, sealing of information submitted in connection therewith is appropriate if there are "compelling reasons supported by specific factual findings that outweigh the general history of access and the public policies favoring disclosure." *Kamakana v. City & Cnty. of Honolulu*, 447 F.3d 1172, 1178-79 (9th Cir. 2006). Compelling reasons may exist when, for example, court filings could be used for improper purposes, such as "to gratify private spite, promote public scandal, circulate libelous statements, or release trade secrets." *Id.* (citation omitted). Compelling reasons may also exist where court filings contain or discuss confidential source code, *see Apple, Inc. v. Samsung Electronics Co., Ltd.*, No. 11-cv-1846, D.I. 2190 at \*3 (Dec. 10, 2012); internal and non-public procedures of financial institutions, *see Cowan v. GE Capital Retail Bank*, No. 13-cv-03935-BLF, 2015 WL 1324848, at \*1-3 (N.D. Cal. Mar. 24, 2015); information about an entity's confidential "business performance, structure, and finances that could be used to gain unfair business advantage against them," *Schwartz v. Cook*, No. 15-cv-03347-BLF, 2016 WL 1301186, at \*2 (N.D. Cal. Apr. 4, 2016); "highly sensitive information regarding [an entity's confidential] product architecture and development," *Delphix Corp. v. Actifio, Inc.*, No. 13-cv-04613-BLF, 2014 WL 4145520, at \*2 (N.D. Cal. Aug. 20, 2014); emails containing confidential information about an entity's "business practices, recruitment efforts, and discussions regarding potential partnerships with other product manufacturers," *see Koninklijke Philips N.V. v. Elec-Tech International Co., Ltd.*, No. 14-cv-02737-BLF, 2015 WL 581574, at \*1-2 (N.D. Cal. Dec. 10, 2015); and "information regarding non-public recruitment efforts and business practices" of a party. *See id.* at \*2-3.

Arista seeks to file under seal the documents and information listed in the table below. The documents and information that Arista seeks to file under seal as the party claiming confidentiality are documents for which compelling reasons support sealing, as detailed further in the Declaration of Ryan Wong accompanying this motion. As required by Civil L.R. 79-5(e),

Arista is also filing under seal documents and information previously designated as confidential or highly confidential by Cisco Systems, Inc. ("Cisco") and third parties. Arista expects that Cisco and those third parties will file a supporting declaration pursuant to Civil L.R. 79-5(e)(1) if they seek to keep any such information under seal. Arista takes no position on whether sealing the documents and information designated confidential by Cisco or third parties is appropriate.

<b>Document</b>	<b>Portions of Document to be Sealed</b>	<b>Parties Claiming Confidentiality</b>
Defendant Arista Network, Inc.'s Opposition to Cisco's Motion for Partial Summary Judgment ("Opposition")	Highlighted portions	<i>Cisco</i>
Declaration of John R. Black Jr. in Support of Defendant Arista Networks, Inc.'s Opposition to Cisco's Motion for Summary Judgment and Arista's Summary Judgment Motion ("Black Decl.") Ex. 1 ("Black Opening Report")	Highlighted portions	<i>Cisco</i> <i>Arista</i> <i>Juniper Networks (Third Party)</i> <i>Hewlett Packard Enterprise ("HPE") (Third Party)</i> <i>Dell, Inc. (Third Party)</i>
Black Decl. Ex. 38 ("Black Rebuttal Report")	Entire document	<i>Cisco</i> <i>Arista</i>
Declaration of William M. Seifert in Support of Defendant Arista Networks, Inc.'s Opposition to Cisco's Motion for Summary Judgment ("Seifert Decl.") Ex. 1 ("Seifert Expert Report")	Highlighted portions	<i>Cisco</i> <i>Arista</i>
Declaration of Cate M. Elsten in Support of Defendant Arista Networks, Inc.'s Opposition to Cisco's Motion for Summary Judgment ("Elsten Decl.") Ex. 1 ("Elsten June 3 Report")	Highlighted portions	<i>Cisco</i> <i>Arista</i> <i>Dell, Inc. (Third Party)</i>

Document	Portions of Document to be Sealed	Parties Claiming Confidentiality
Elsten Decl. Ex. 2 (“Elsten Rebuttal Report”)	Entire document	<i>Cisco</i> <i>Arista</i>
Declaration of Ryan Wong in Support of Defendant Arista Networks, Inc.’s Opposition to Cisco’s Motion for Summary Judgment (“Wong Decl.” or “Wong Declaration”) Ex. 1 (Excerpts from Loughheed Deposition Transcript, 11/20/2015)	Entire excerpted transcript	<i>Cisco</i>
Wong Decl. Ex. 2 (Excerpts from Satz Deposition Transcript)	Entire excerpted transcript	<i>Cisco</i>
Wong Decl. Ex. 4 (Excerpts from Li Deposition Transcript)	Entire excerpted transcript	<i>Cisco</i>
Wong Decl. Ex. 5 (Excerpts from Dell Corporate Deposition Transcript)	Entire excerpted transcript	<i>Dell</i>
Wong Decl. Ex. 7 (Cisco email dated 8/2/2013)	Entire document	<i>Cisco</i>
Wong Decl. Ex. 8 (Cisco email dated 10/6/2005)	Entire document	<i>Cisco</i>
Wong Decl. Ex. 9 (compilation of documents)	The following portions of the compilation should be sealed:  Ex. 9C (Cisco internal presentation)  Ex. 9D (Cisco internal requirements document)  Ex. 9E (Cisco email dated 6/6/2008)  Ex. 9F (Cisco internal presentation)	<i>Cisco</i>

<b>Document</b>	<b>Portions of Document to be Sealed</b>	<b>Parties Claiming Confidentiality</b>
	Ex. 9G (Cisco internal presentation)	
Wong Decl. Ex. 11 (Excerpts from Lang Deposition Transcript)	Entire excerpted transcript	<i>Cisco</i>
Wong Decl. Ex. 13 (Arista internal presentation)	Entire document	<i>Arista</i>
Wong Decl. Ex. 14 (Arista internal presentation)	Entire document	<i>Arista</i>
Wong Decl. Ex. 15 (compilation of deposition transcript excerpts and documents)	All documents and transcript excerpts in compilation	<i>Cisco</i>
Wong Decl. Ex. 16 (Cisco email dated 1/20/2010)	Entire document	<i>Cisco</i>
Wong Decl. Ex. 17 (Excerpts from Remaker Deposition Transcript, 3/31/2016)	Entire excerpted transcript	<i>Cisco</i>
Wong Decl. Ex. 18 (Excerpts from Loughheed Deposition Transcript, 4/4/2016)	Entire excerpted transcript	<i>Cisco</i>
Wong Decl. Ex. 19 (Cisco email dated 7/26/2006)	Entire document	<i>Cisco</i>
Wong Decl. Ex. 20 (Excerpts from Liu Deposition Transcript)	Entire excerpted transcript	<i>Cisco</i>
Wong Decl. Ex. 21 (compilation of deposition transcript excerpts)	Entire excerpted transcripts	<i>Cisco</i>
Wong Decl. Ex. 22 (Excerpts from Kavasseri Deposition Transcript)	Entire excerpted transcript	<i>Cisco</i>

<b>Document</b>	<b>Portions of Document to be Sealed</b>	<b>Parties Claiming Confidentiality</b>
Wong Decl. Ex. 24 (Excerpts from Kathail Deposition Transcript)	Entire excerpted transcript	<i>Cisco</i>
Wong Decl. Ex. 25 (Cisco presentation dated 10/21/2004)	Entire document	<i>Cisco</i>
Wong Decl. Ex. 26 (Cisco email dated 1/12/1999)	Entire document	<i>Cisco</i>
Wong Decl. Ex. 27 (Cisco internal document)	Entire document	<i>Cisco</i>
Wong Decl. Ex. 28 (Cisco email dated 10/22/1997)	Entire document	<i>Cisco</i>
Wong Decl. Ex. 29 (Excerpts from Patil Deposition Transcript)	Entire excerpted transcript	<i>Cisco</i>
Wong Decl. Ex. 30 (Excerpts from Sweeney Deposition Transcript)	Entire excerpted transcript	<i>Arista</i>
Wong Decl. Ex. 31 (Cisco internal document)	Entire document	<i>Cisco</i>
Wong Decl. Ex. 32 (Cisco email dated 1/12/1999)	Entire document	<i>Cisco</i>
Wong Decl. Ex. 33 (Excerpts from Remaker Deposition Transcript, 3/30/2016)	Entire excerpted transcript	<i>Cisco</i>
Wong Decl. Ex. 34 (Excerpts from Redlefsen Deposition Transcript)	Entire excerpted transcript	<i>Arista</i>
Wong Decl. Ex. 36 (Excerpts from Black Deposition Transcript (Rough))	Entire excerpted transcript	<i>Arista</i>

<b>Document</b>	<b>Portions of Document to be Sealed</b>	<b>Parties Claiming Confidentiality</b>
Wong Decl. Ex. 37 (Excerpts from the Opening Expert Report of Kevin Almeroth, dated June 3, 2016)	Entire excerpt from Dr. Almeroth's June 3 Report	<i>Cisco</i>
Wong Decl. Ex. 38 (Excerpts from Juniper Networks Corporate Deposition of Philip Kasten)	Entire excerpted transcript	<i>Juniper Networks (Third Party)</i>
Wong Decl. Ex. 41 (Excerpts from Hewlett-Packard Enterprise Corporate Deposition of Balaji Venkatraman)	Entire excerpted transcript	<i>Hewlett-Packard Enterprise (Third Party)</i>
Wong Decl. Ex. 42 (Brocade FastIron Manual)	Entire document	<i>Brocade Communications (Third Party)</i>
Wong Decl. Ex. 43 (Brocade FAQ document)	Entire document	<i>Cisco</i>
Wong Decl. Ex. 44 (Cisco presentation dated June 1, 2007)	Entire document	<i>Cisco</i>
Wong Decl. Ex. 45 (Cisco manual)	Entire document	<i>Cisco</i>
Wong Decl. Ex. 46 (Cisco NextHop document)	Entire document	<i>Cisco</i>
Wong Decl. Ex. 47 (Cisco HP document)	Entire document	<i>Cisco</i>
Wong Decl. Ex. 48 (Excerpts from Malik Deposition Transcript)	Entire excerpted transcript	<i>Cisco</i>
Wong Decl. Ex. 49 (Cisco presentation)	Entire document	<i>Cisco</i>
Wong Decl. Ex. 50 (Cisco metadata for the document)	Entire document	<i>Cisco</i>

<b>Document</b>	<b>Portions of Document to be Sealed</b>	<b>Parties Claiming Confidentiality</b>
immediately above)		
Wong Decl. Ex. 51 (Excerpts from Hartingh Deposition Transcript)	Entire excerpted transcript	<i>Cisco</i>
Wong Decl. Ex. 52 (Excerpts from Pletcher Deposition Transcript)	Entire excerpted transcript	<i>Cisco</i>
Wong Decl. Ex. 53 (Cisco email dated 7/11/2002)	Entire document	<i>Cisco</i>
Wong Decl. Ex. 54 (Cisco email dated 4/15/2008)	Entire document	<i>Cisco</i>
Wong Decl. Ex. 55 (Cisco email dated 7/8/2005)	Entire document	<i>Cisco</i>
Wong Decl. Ex. 56 (Cisco product requirements document)	Entire document	<i>Cisco</i>
Wong Decl. Ex. 57 (Cisco email dated 4/15/2008)	Entire document	<i>Cisco</i>
Wong Decl. Ex. 58 (Cisco document dated 12/7/2011)	Entire document	<i>Cisco</i>
Wong Decl. Ex. 59 (Cisco document dated 10/24/2001)	Entire document	<i>Cisco</i>
Wong Decl. Ex. 60 (Cisco presentation dated 6/20/2012)	Entire document	<i>Cisco</i>
Wong Decl. Ex. 61 (Cisco letter to Stanford dated 12/18/2002)	Entire document	<i>Cisco</i>
Wong Decl. Ex. 62 (compilation of deposition transcript excerpts)	Entire excerpted transcripts	<i>Cisco</i>
Wong Decl. Ex. 63	Entire excerpted transcripts	<i>Cisco</i>



Document	Portions of Document to be Sealed	Parties Claiming Confidentiality
(compilation of deposition transcript excerpts)		
Wong Decl. Ex. 64 (compilation of documents)	The following portions of the compilation should be sealed: Ex. 64A (Brocade data sheet)	<b><i>Brocade Communications (Third Party)</i></b>

Arista submits, along with this administrative motion, the declaration of Ryan Wong, which attaches unredacted versions of each document filed under seal, either in its entirety or because a public version was filed with redactions.

Dated: July 14, 2016

KEKER & VAN NEST LLP

By: /s/ Brian L. Ferrall  
BRIAN L. FERRALL

Attorney for Defendant  
ARISTA NETWORKS, INC.